

Amendments to House Bill No. 223  
1st Reading Copy

Requested by Representative Dick Barrett

For the House Taxation Committee

Prepared by Jeff Martin  
March 22, 2011 (7:10am)

1. Title, page 1, line 7.

**Following:** "TREASURERS"

**Insert:** "AND TRUSTEES OF SCHOOL DISTRICTS"

2. Title, page 1, line 20.

**Strike:** the first "AND"

**Following:** "15-30-2341,"

**Insert:** "AND 20-9-353,"

3. Page 4, line 25.

**Following:** "units"

**Insert:** "-- school districts"

**Following:** "units."

**Insert:** "(1)"

4. Page 4.

**Following:** line 29

**Insert:** "(2) The department shall determine for each school district within the county the total amount of property tax circuit breaker credits for all taxpayers within the school district and report that amount to the trustees of the school district. The trustees may use that amount in the determination of the over-BASE budget levy as provided in 20-9-353(2)(b)."

5. Page 23.

**Following:** line 8

**Insert:** "Section 21. Section 20-9-353, MCA, is amended to read:

"20-9-353. Additional financing for general fund -- election for authorization to impose -- exception. (1) The trustees of a district may propose to adopt an over-BASE budget amount for the district general fund that does not exceed the general fund budget limitations, as provided in 20-9-308.

(2) (a) When the trustees of the district propose to adopt an over-BASE budget under subsection (1) and subject to subsection (2)(b), any increase in local property taxes authorized by 20-9-308(4) must be submitted to a vote of the qualified electors of the district, as provided in 15-10-425. The trustees are not required to submit to the qualified electors any

increase in state funding of the basic or per-ANB entitlements or of the general fund payments established in 20-9-327 through 20-9-330 approved by the legislature. When the trustees of a district determine that a voted amount of financing is required for the general fund budget, the trustees shall submit the proposition to finance the voted amount to the electors who are qualified under 20-20-301 to vote upon the proposition. The election must be called and conducted in the manner prescribed by this title for school elections and must conform to the requirements of 15-10-425. The ballot for the election must conform to the requirements of 15-10-425.

(b) An increase in local property taxes under subsection (2)(a) does not include an increase in the over-BASE budget levy from the prior fiscal year in order to raise an amount of revenue attributable to the property tax circuit breaker credits reported by the department of revenue under [section 6]. If the increase in the over-BASE budget levy is attributable only to the amount of the credits, the trustees of a district are not required to submit the over-BASE budget levy increase to the qualified electorate under 15-10-425.

(3) If the proposition on any additional financing for the general fund is approved by a majority vote of the electors voting at the election, the proposition carries and the trustees may use any portion or all of the authorized amount in adopting the final general fund budget. The trustees shall certify any additional levy amount authorized by the election on the budget form that is submitted to the county superintendent, and the county commissioners shall levy the authorized number of mills on the taxable value of all taxable property within the district, as prescribed in 20-9-141.

(4) All levies adopted under this section must be authorized by the election conducted before August 1 of the school fiscal year for which it is effective.

(5) If the trustees of a district are required to submit a proposition to finance an over-BASE budget amount, as allowed by 20-9-308, to the electors of the district, the trustees shall comply with the provisions of subsections (2) through (4) of this section."

{ Internal References to 20-9-353: x to all  
20-6-424      20-6-603      20-9-104      20-9-141  
20-9-141      20-9-308      20-20-105      20-20-105 } "

**Renumber:** subsequent sections

- END -